

Rebuttal to Argument Against Charter Amendment Measure 3

This amendment makes no changes to the City Attorney's current role. The City Council has always been the Client, with the exclusive right to direct the City Attorney in their representation of the City. While the City Attorney is an elected position in Huntington Beach, it is NOT an independent position. The City Attorney cannot "fight for the City and the taxpayers," as the opponent of this Measure states, WITHOUT City Council authorization.

I authored the legal opinion that defines the authority of the City Council and City Attorney under the Charter. The current City Attorney has warped that opinion. It was NEVER intended to preclude the Council from hiring outside counsel when a **conflict of interest** arises.

Thus, this amendment clarifies and defines only two narrow instances where the City Council may hire counsel outside the City Attorney's purview: 1) when a conflict of interest arises as defined by the California Rules of Professional Conduct for Attorneys; or 2) when a legal matter directly involves the City Attorney or their office. These instances are already defined in State law, but the current City Attorney has taken an aggressive position that contradicts these standard legal interpretations.

I strongly support having an elected City Attorney and would reject any amendment that would undermine that office, or constituted a "power grab." Measure \_\_\_ is a good governance measure.

I urge you to vote YES on Measure \_\_\_

The undersigned proponent(s) or author(s) of the Rebuttal to Argument Against Charter Amendment Measure 3 at the General Municipal Election for the City of Huntington Beach to be held on November 8, 2022, hereby states that such argument is true and correct to the best of their knowledge and belief.

Signed: Gail Hutton Date: July 25, 2022  
Gail Hutton, Elected Huntington Beach City Attorney 1978-2002

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## FORM OF STATEMENT TO BE FILED BY AUTHORS OF ARGUMENTS

All arguments concerning measures filed pursuant to Division 9, Chapter 3 (beginning with § 9200) of the Elections Code shall be accompanied by the following form statement **to be signed** by each proponent, and by each author, if different, of the argument:

The undersigned proponent(s) or author(s) of the (primary/rebuttal) argument (in favor of/against) Charter Amendment Measure 3 at the General Municipal Election for the City of Huntington Beach to be held on November 8, 2022, hereby state that the argument is true and correct to the best of (his/her/their) knowledge and belief.

Print Name <u>Dan Kalmick</u> Title <u>CITY COUNCIL MEMBER</u> (If applicable): Submitted on behalf of : _____ _____ (name of organization)	Signature <u>[Signature]</u> Date <u>7/25/2022</u>
Print Name <u>Rhonda Bolton</u> Title <u>CITY COUNCIL MEMBER</u> (If applicable): Submitted on behalf of : _____ _____ (name of organization)	Signature <u>[Signature]</u> Date <u>7/25/2022</u>
Print Name <u>GAIL HUTTON</u> Title <u>ELECTED HUNTINGTON BEACH CITY ATTORNEY 1978-2002</u> (If applicable): Submitted on behalf of : _____ _____ (name of organization)	Signature <u>[Signature]</u> Date <u>7/25/2022</u>
Print Name _____ Title _____ (If applicable): Submitted on behalf of : _____ _____ (name of organization)	Signature _____ Date _____
Print Name _____ Title _____ (If applicable): Submitted on behalf of : _____ _____ (name of organization)	Signature _____ Date _____

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All Authors must print his/her name **and sign this form** (EC 9600)

AND

Print his/her name **and sign the Argument itself** (EC 9283)

AND

Print his/her name **and sign the Rebuttal Argument itself** (EC 9285)

Further, pursuant to Election Code § 9282, printed arguments submitted to the voters shall be titled either "Argument In Favor Of Measure \_\_\_\_" or "Argument Against Measure \_\_\_\_".

Likewise, printed rebuttal arguments submitted pursuant to Election Code § 9285 shall be titled either "Rebuttal To Argument In Favor Of Measure \_\_\_\_" or "Rebuttal to Argument Against Measure \_\_\_\_".

### Give this form to Council Members, Proponents, and Opponents of Measures

The following statement shall be included on the front cover, or if none, on the heading of the first page of the printed arguments in the Voter Information Guide:

"Arguments in support or opposition of the proposed laws are the opinions of the authors."



# AUTHORIZATION FOR ANOTHER PERSON TO SIGN REBUTTAL ARGUMENT

The following majority of 2 authors of the Argument  
☒ In Favor of ☐ Against

Measure 3 authorize the following person(s) to prepare, submit or sign the Rebuttal to the Argument  
 In Favor of ☒ Against

Measure 3 for the City of HUNTINGTON BEACH Election to be held on November 8, 2022

Signatures of a majority of the authors of the Argument

☒ In Favor of ☐ Against

Measure 3 are required:

DAN KALMICK  
 Name (Print)

[Signature]  
 Signature

7/25/2022  
 Date

Rhonda Bolton  
 Name (Print)

[Signature]  
 Signature

7/25/22  
 Date

\_\_\_\_\_  
 Name (Print)

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

The following authors are authorized to prepare, submit or sign the Rebuttal to the Argument

☐ In Favor of ☒ Against

Measure 3

Name (Print) <u>GAIL HUTTON</u>	Signature <u>[Signature]</u>
Title: <u>ELECTED HUNTINGTON BEACH CITY ATTORNEY 1978-2002</u>	Date <u>7/25/2022</u>
Name (Print) _____	Signature _____
Title: _____	Date _____
Name (Print) _____	Signature _____
Title: _____	Date _____
Name (Print) _____	Signature _____
Title: _____	Date _____

Attach this form to the Form of Statement of Authors Form submitted with the Argument

☒ In Favor of ☐ Against

Measure 3

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